NOTES OF CASES.

Proximate Cause—Hurling Animal against Pedestrian.—Where an electrically propelled street car is negligently run against a horse and buggy being driven across the street car track at a street intersection, and the horse is hurled against a person in the street, injuring him, the negligence of the servants of the street car company operating the car is held in the Georgia case of Columbus R. Co. *v.* Newsome, L. R. A. 1915B, 1111, to be the proximate cause of the injury.

Jurors Drink the Evidence.—Defendant in State *v.* Applegate, 149 Northwestern Reporter 356, was convicted of keeping and maintaining a common nuisance under the liquor laws of the state of North Dakota. How the jury could convict him under the circumstances is hard to explain. Perhaps their sense of justice was not overcome by the effects of the refreshments obtained at defendant's expense, or it may be that the quantity of the beverage used was insufficient to bring forth that verdict which would naturally be presumed to be rendered, or it may be that they didn't like his brand of beer. Nevertheless, he was convicted. During the trial there was offered in evidence three bottles which it is claimed contained beer, and upon the retiring of the jury these three bottles with their contents were taken with them to the jury room. The court did not caution them not to open the bottles or to experiment with them. When the bailiff was noticed by the jurymen that they had arrived at their verdict and when he opened the door of the jury room to obtain the same he found the three bottles empty. The Supreme Court of North Dakota said "that if the jury drank the contents of the bottles in order to test its qualities as an intoxicant they clearly violated the law, as they had no right to try any such experiment. Even if they drank it from a spirit of bravado, prejudice will be presumed." For these reasons the judgment of the district court was reversed, and the case was remanded for further proceedings. We wonder how the character of the contents of the bottles is to be proven on second trial without violation of the secrets of the jury room.

Carriers—Infant in Arms—Carrying Past Destination.—In Southern Railway Company *v.* Herron, decided recently by the Court of Appeals of Alabama (68 South. 551), it was held that a child nine months old, accompanying her mother, who is a passenger, is a passenger, though riding free, and the carrier owes her the same duty as if fare had been paid. The court said notice would be taken of the custom of railroads to carry free children under one year when accompanied by an adult passenger paying fare. Although ordinarily